

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DENA PIPKIN, personally and as Personal
Representative of the ESTATE OF JOSHUA
HIGHTOWER; RICHARD HIGHTOWER,

Plaintiffs,

v.

THE BURLINGTON NORTHERN AND SANTE
FE RAILWAY COMPANY, a foreign
corporation; CREW SHUTTLE SERVICE, INC.,
a foreign corporation,

Defendants.

And

UNION PACIFIC RAILROAD COMPANY,

Party Intervenors.

NO. C04-5591RJB

STIPULATION AND ORDER
REGARDING EXTENSIONS OF
TIME AND PARTIAL
WITHDRAWAL OF MOTION
REGARDING CONTINUANCE
AND MOTION TO QUASH

The parties have met and conferred through counsel and agree upon the following
stipulation regarding extensions of time. This stipulation does not extend the trial date or any of

STIPULATION AND ORDER REGARDING EXTENSIONS
OF TIME AND PARTIAL WITHDRAWAL
OF MOTION REGARDING CONTINUANCE
AND MOTION TO QUASH- 1
NO. 04-5591RJB

the deadlines pertaining to the trial including filing of pretrial motions in limine, trial briefs, jury instructions and the like. It also does not alter the date set for convening a mediation or settlement conference. Union Pacific therefore WITHDRAWS its Motion to Continue Pre-Trial Dates at this time. Union Pacific does not withdraw its motion as regards continuance of the trial date, however, as it continues to believe insufficient time remains to prepare for trial.

1. Disclosure of expert testimony under FRCP 26(a)(2): Sept. 6, 2005

2. Rebuttal expert disclosure: Sept. 20, 2005

3. Discovery COMPLETED by: Oct. 3, 2005

4. Dispositive Motions FILED by: Oct. 6, 2005

5. The parties have identified at least the following depositions to be held during these dates if properly noted and if service is obtained on the necessary parties:

- (1) Liam Moore
- (2) Angela Moore
- (3) Plaintiff Dena Pipkin
- (4) Dr. Hoyt
- (5) Dr. Beckwith
- (6) Cowlitz County Sheriff Brad Bauman
- (7) Deputy Coroner Tim Davidson
- (8) Dr. Lonn Hutchison
- (9) Ken McDermott
- (10) Robert Parks
- (11) Mr. Jacobssen

STIPULATION AND ORDER REGARDING EXTENSIONS
OF TIME AND PARTIAL WITHDRAWAL
OF MOTION REGARDING CONTINUANCE
AND MOTION TO QUASH- 2
NO. 04-5591RJB

(12) Mr. Robertson

(13) Alan Tencer,

(14) A FRCP 30(b)(6) representative of Intermountain

(15) A FRCP 30(b)(6) witness of Union Pacific regarding the
indemnification agreement

(16) David Knowles

(17) Stan Owings

(18) Union Pacific employee Frank Tafoya

(19) Union Pacific employee Brad Limbaugh

(20) Any supplemental expert disclosed by Union Pacific

(21) 4-5 currently unidentified depositions

In exchange for counsel for Union Pacific having provided to plaintiffs the list of subject matter areas on which they believe they need to depose Dena Pipkin, Liam Moore, Angela Moore and Dr. Hoyt, plaintiffs agree to WITHDRAW their motion to quash. All parties reserve their right to object to questions which the parties believe may exceed the scope of proper questioning.

DATED this 24th day of August 2005.

STRITMATTER KESSLER WHELAN
WITHEY COLUCCIO

s/Michael E. Withey (E-mail Authorization)
MICHAEL E. WITHEY, WSBA 4787
Counsel for Plaintiffs

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STIPULATION AND ORDER REGARDING EXTENSIONS
OF TIME AND PARTIAL WITHDRAWAL
OF MOTION REGARDING CONTINUANCE
AND MOTION TO QUASH- 3
NO. 04-5591RJB

1 MONTGOMERY, SCARP, MacDOUGALL, PLLC

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3 s/Brad Scarp (E-mail Authorization)

4 BRAD SCARP, WSBA 21453

5 Counsel for Defendant BNSF

6 LAW OFFICE OF JAMES P. RICHMOND

7 s/Brett M. Wieberg (E-mail Authorization)

8 BRETT M. WIEBERG, WSBA 22353

9 Counsel for Defendant Crew Shuttle Service

10 LANE POWELL PC

11 s/Emilia L. Sweeney

12 TIM WACKERBARTH, WSBA 13673

13 MICHAEL H. RUNYAN, WSBA 06986

14 EMILIA SWEENEY, WSBA 23371

15 Counsel for Party Intervenor Union Pacific

16 s/Mark S. Brumbaugh (E-mail Authorization)

17 MARK S. BRUMBAUGH, WSBA 21547

18 Counsel for Plaintiff Richard Hightower

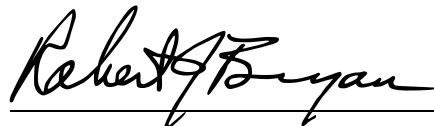
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23 STIPULATION AND ORDER REGARDING EXTENSIONS
24 OF TIME AND PARTIAL WITHDRAWAL
OF MOTION REGARDING CONTINUANCE
AND MOTION TO QUASH- 4
NO. 04-5591RJB

ORDER

NOW, therefore, it is hereby

ORDERED, ADJUDGED and DECREED that this Stipulation and Order Regarding Extensions of Time and Partial Withdrawal of Motions Regarding Continuance and Motion to Quash is GRANTED.

DATED this 29th day of August, 2005.



ROBERT J. BRYAN
United States District Judge

Presented by:

LANE POWELL PC

By s/Emilia L. Sweeney
TIM WACKERBARTH, WSBA 13673
MICHAEL H. RUNYAN, WSBA 06986
EMILIA SWEENEY, WSBA 23371
Counsel for Party Intervenor Union Pacific

STIPULATION AND ORDER REGARDING EXTENSIONS
OF TIME AND PARTIAL WITHDRAWAL
OF MOTION REGARDING CONTINUANCE
AND MOTION TO QUASH- 5
NO. 04-5591RJB

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

CERTIFICATE OF SERVICE

I, Lorrie A. Salinas, the undersigned, hereby certify on August 24, 2005, I electronically filed the STIPULATION AND ORDER REGARDING EXTENSIONS OF TIME AND PARTIAL WITHDRAWAL OF MOTION REGARDING CONTINUANCE AND MOTION TO QUASH to the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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Dated: August 24, 2005.

s/Lorrie A. Salinas

Lorrie A. Salinas

STIPULATION AND ORDER REGARDING EXTENSIONS
OF TIME AND PARTIAL WITHDRAWAL
OF MOTION REGARDING CONTINUANCE
AND MOTION TO QUASH- 6
NO. 04-5591RJB